

Howrey Docket No. 04813.0028.NPUS00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

COPY OF PAPERS Jeffrey A. Colborn et al.
ORIGINALLY FILED

Application No.: 10/066,544

Filed: October 19, 2001

For: FUEL CELL SYSTEM

Art Unit: 1745

Examiner: To be assigned

TRANSMITTAL OF PETITION FOR INCLUSION OF OMITTED ITEMS

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Petition for Inclusion of Omitted Items;
- ☒ Amendment (To be Entered in the Alternative);
- ☒ Copy of Notice to File Missing Parts of Nonprovisional Application;
- ☒ Exhibit A: Figure 1A drawing
- ☒ Exhibit B: Application Serial No. 10/058,231 "Methods of Using Fuel Cell System Configured to Provide Power to One or More Loads"

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 15, 2002
Date of Deposit

Diana Vilkaitis
Name of Person Mailing Paper

Signature of Person Mailing Paper

RECEIVED

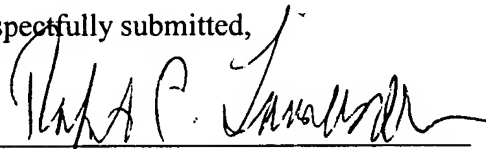
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OFFICE OF PETITIONS

- ☒ Exhibit C: Application Serial No. 10/060,965 "Recirculating Anode"
- ☒ Return postcard.

The Commissioner is hereby authorized to charge the petition fee (37 C.F.R. §1.17(h)) of \$130.00, and charge any deficiency or credit any overpayment, to our Deposit Account No. **08-3038**, referencing Docket No. 04813.0028.NPUS00.

Respectfully submitted,



Robert C. Laurenson, Reg. No. 34,206

Dated: April 11, 2002.

HOWREY SIMON ARNOLD & WHITE, LLP
Box No. 34
301 Ravenswood Avenue
Menlo Park, CA 94025
Facsimile: (650) 463-8400
Telephone: (949) 759-5269

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/066,544	10/19/2001	Jeffrey A. Colborn	04813.0028.NPUS00

RECEIVED
DOCKET DEPT.
HOWREY SIMON ARNOLD & WHITE

CONFIRMATION NO. 3328

22930
HOWREY SIMON ARNOLD & WHITE LLP
BOX 34
1299 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

MAR 21 2002



OC000000007658634

WASHINGTON, D.C.

Date Mailed: 03/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 435.**

The following item(s) appear to have been omitted from the application:

- **Figure(s) 1A** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the

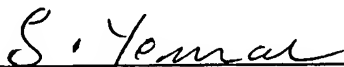
Docketed

PJ
3-21-02

date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY